

**Application No.: 10/712,305**

**REMARKS**

The indication of allowable subject matter in claims 1, 2, 4, 10, 12 and 14-25 is acknowledged and appreciated. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

Claim 3 is the sole independent claim rejected and stands rejected under 35 U.S.C. § 102 as being anticipated by Brown. This rejection is respectfully traversed for the following reasons.

Claim 3 recites in pertinent part, “a polarization recovery voltage for recovering from deterioration of polarization is *temporarily* applied ...” (emphasis added). Support for this feature can be found, for example, on page 12, line 1 - page 13, line 14 and Fig. 2 of Applicants’ specification. The Examiner has maintained the pending rejection by alleging that the bias current in Brown reads on the claimed “polarization recovery voltage” and the AC supply reads on the claimed “position control voltage” with respect to Figures 8-9 of Brown. However, the bias current (i.e., alleged “polarization recovery voltage”) in Brown is *continuously* applied while the AC supply is applied to the elements.

In direct contrast, as set forth in claim 3, the “polarization recovery voltage ... is *temporarily* applied” (emphasis added), whereby the polarization recovery voltage can be added to the elements for only a short time to enable preventing damage to the elements. Accordingly, migration in the elements can be prevented according to an aspect of the present invention. Brown is completely silent as to temporary application of the bias current. Brown expressly desires continuous application of the bias current so as to teach away from the claimed invention. Indeed, the Examiner relies on the expressly desired continuous repolarization of Brown to broadly read the disclosure of Brown onto the unamended claim 3 (see box 11 of Advisory

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Action dated November 9, 2005). In this regard, it is respectfully submitted that the enclosed amendment obviates the Examiner's interpretation of Brown onto claim 3.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Brown does not anticipate claim 3, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 3 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

**CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's

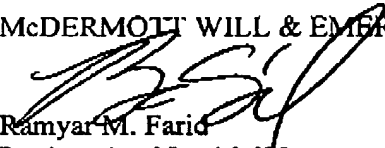
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amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Ramyar M. Farid  
Registration No. 46,692

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 RMF:men  
Facsimile: 202.756.8087  
Date: January 3, 2006

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